

IN RE: PETITION FOR ZONING VARIANCE
E/S of Falls Road, 553' E of
the c/l of Falls Road
(11529 Falls Road)
8th Election District
3rd Councilmanic District
Douglas C. McCorkle, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) in the front yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

The Petitioners, by Douglas C. McCorkle, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 11529 Falls Road, consists of 1.68 acres zoned R.C. 5 and is improved with a single family dwelling which has been Petitioners' residence for the past year. Said property is located off of a panhandle drive which is shared with five other properties. Petitioners propose converting an existing attached garage into additional habitable space and constructing a new detached garage. However, due to the lot configuration and the location of existing improvements on the property, the only practical site for the proposed garage is in the front yard. Testimony indicated that Petitioners have spoken to the adjoining neighbors with whom they share the panhandle drive access who have indicated they have no objections to the placement of the proposed garage in the front yard. Petitioners contend the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community and that to deny

the relief requested would result in practical difficulty and/or unreasonable hardship to Petitioners.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (S.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the S.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of December, 1989 that the Petition for Zoning Variance to permit an accessory structure (detached garage) in the front yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living

or sleeping quarters, and no kitchen or bathroom facilities.

ANN:bjg
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ZONING DESCRIPTION

Beginning on the east side of Falls Road at 12 feet wide at the panhandle, at the distance of about 553 feet east of the centerline of Falls Road. Being Lot 9 in the subdivision of Fallswood. E.H.K. JR. 38 Folio 117. Also known as 11529 Falls Road in the 8th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th
Posted for: Variance
Petitioner: Douglas C. McCorkle, et ux
Location of property: 553' E of Falls Road, end of 12' private drive, drive is 660' S of Falls Road (11529 Falls Road)
Location of Sign: Continuous to subject property
Remarks: J. Robert Haines
Signed by: J. Robert Haines
Number of Signs: 1
Date of Posting: 11-7-89
Date of return: 11-10-89

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 500.1 of the Baltimore County Zoning Regulations to allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard.

Need for more room as a parent will be living with us shortly. Our present garage will become living space.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of 11-1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27 day of 11-1989 at 9:30 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 2, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 1, 1989.

TOWSON TIMES,
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 2, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 2, 1989.

THE JEFFERSONIAN,
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/24/89

Mr. & Mrs. Douglas C. McCorkle
11529 Falls Road
Lutherville, Maryland 21093

Re: Petition for Zoning Variance
CASE NUMBER: 90-191-A
553.81' E of c/l of Falls Road, end of 12' private drive, drive is 660' S of Falls Road
11529 Falls Road
8th Election District - 3rd Councilmanic
Petitioner(s): Douglas C. McCorkle, et ux
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Dear Mr. & Mrs. McCorkle:

Please be advised that \$137.34 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND RECEIVED BY NOVEMBER 27, 1989.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R 0014150
No 423
Number 90-191

Date

11-24-89

PUBLIC HEARING FEE

11-24-89

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 16, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-191-A
553.81' E of c/l of Falls Road, end of 12' private drive, drive is 660' S of Falls Road
11529 Falls Road
8th Election District - 3rd Councilmanic
Petitioner(s): Douglas C. McCorkle, et ux
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Variance: To allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: November 3, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-191A
Douglas C. McCorkle, Item 44

The Petitioner requests a Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZPVARI0U

NOV 06 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
SEP 14 1989

ZONING OFF

September 5, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 4, 26, 44, 45, 46, 47, 48, 49, 51, 52, 53, and 55.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

SEP 10 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reinecke
Chief

AUGUST 10, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: DOUGLAS C. MCCORKLE
Location: #11529 FALLS ROAD
Item No.: 44 Zoning Agenda: AUGUST 15, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Joseph Kelly* Noted and Approved
Planning Group
Special Inspection Division

Capt. Wm. Brady
Fire Prevention Bureau

JK/KEK

AUG 11 1989

